

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKY KALEO MANUEL,

Plaintiff

Case No. 2:23-cv-00606-RFB-DJA

ORDER

v.

SOUTHERN DESERT CORRECTIONAL
CENTER, et al.,

Defendants

On April 19, 2023, pro se plaintiff Ricky Kaleo Manuel, an inmate in the custody of the Nevada Department of Corrections, submitted an incomplete, unsigned complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1.)

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff has neither paid the full filing fee nor applied to
4 proceed *in forma pauperis*. The Court gives Plaintiff **until June 23, 2023** to either pay the
5 filing fee or submit an application to proceed *in forma pauperis*.

6 The Court notes that Plaintiff did not sign the complaint filed at ECF No. 1-1.
7 Furthermore, the complaint is missing the page for Plaintiff to list any Defendants, as well
8 as the page for Plaintiff to list his request for relief. Under Rule 11 of the Federal Rules
9 of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his
10 complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, the Court
11 cannot consider it.

12 As such, the Court grants Plaintiff a **one-time** extension to submit a complete,
13 signed amended complaint to the Court on or before **June 23, 2023**. If Plaintiff chooses
14 to file an amended complaint, he is advised that an amended complaint supersedes
15 (replaces) the original complaint and, thus, the amended complaint must be complete in
16 itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546
17 (9th Cir. 1989). Therefore, a mere signature page will not be sufficient. Plaintiff should
18 file the signed amended complaint on this Court's approved prisoner civil rights form, and
19 it must be entitled "First Amended Complaint."

20 **II. CONCLUSION**

21 It is therefore ordered that Plaintiff has **until June 23, 2023**, to either pay the full
22 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
23 three required documents: (1) a completed application with the inmate's two signatures
24 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
25 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
26 previous six-month period.

27 It is further ordered that Plaintiff has **until June 23, 2023**, to file a complete, signed
28 first amended complaint.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
3 to refile the case with the Court, under a new case number, when Plaintiff can file a
4 complete application to proceed *in forma pauperis* or pay the required filing fee.

5 The Clerk of the Court is directed to send Plaintiff Ricky Kaleo Manuel the
6 approved form application to proceed *in forma pauperis* for an inmate and instructions for
7 the same.

8 The Clerk of the Court is directed to send Plaintiff Ricky Kaleo Manuel the
9 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
10 original complaint at ECF No. 1-1.

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12 DATED THIS 26th day of April 2023.

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14 UNITED STATES MAGISTRATE JUDGE
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